

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY  
ORDINANCE COMMITTEE  
MINUTES OF PUBLIC MEETING**

DATE.....November 18, 2003  
TIME.....4:45 P.M.  
PLACE.....COUNTY OFFICE BLDG.  
20 N. 3RD STREET  
LAFAYETTE IN 47901

**MEMBERS PRESENT**

David Williams  
Jan Mills  
Gary Schroeder  
Jack Rhoda  
Mark Hermodson  
KD Benson

**STAFF PRESENT**

James Hawley  
Sallie Fahey  
Margy Deverall  
Kathy Lind  
Heather Prough  
Jay Seeger, Atty

Jan Mills called the meeting to order.

**I. APPROVAL OF NOVEMBER 5, 2003 MEETING MINUTES**

Jack Rhoda moved to approve the minutes from November 5, 2003. Gary Schroeder seconded and the motion was carried by voice vote.

**II. GUEST SPEAKER: THE ENVIRONMENTAL IMPACT OF THE RE ZONE by Dr. Bill Hoover, Professor of Forestry, Extension Coordinator, Department of Forestry and Natural Resources, Purdue University**

Sallie Fahey introduced Dr. Bill Hoover and explained that he had some ideas to further protect land involved in rural estate subdivisions and rezones.

Dr. Bill Hoover Professor of Forestry, Extension Coordinator, Department of Forestry and Natural Resources, Purdue University, stated that his department was working on new research projects that could use assistance from the APC. He mentioned that his department was concerned about the environment and they would like to approach developers with a plan to further protect the land. He said that since the homeowners were purchasing these lots because of natural features, it should be easy to convince them of this idea. He suggested a program to meet with homeowners associations and developers. He stated that any local initiative that steps beyond the traditional methods to preserve farmland, should be supported and the rural estate ordinance is one. He mentioned that his department would be getting more involved in this process in the future.

KD Benson asked about the Planning with Power program.

Dr. Bill Hoover stated that Planning with Power was part of his department. He said that he works in conjunction with Bob McCormick's department.

Sallie Fahey suggested hosting a meet and greet between the current RE developers and the homeowners associations.

Dr. Bill Hoover agreed with that suggestion. He stressed that his organization did not have all the answers, but would like to establish a working relationship with everyone involved.

KD Benson gave an example on how Dr. Bill Hoover's department could be involved in the process.

Dr. Bill Hoover stated that he did not want to compete with the environmental service providers in the area, but instead work on educating the developers on alternate ideas for the land.

Sallie Fahey suggested that representatives from the surveyors' industry also be involved.

Dr. Bill Hoover stated that his experience working with the Land Use Consortium has educated him on issues such as profits and signs. He explained that his department could work on any wild land, which is land that is not paved over or built on.

James Hawley asked if he wanted to be on mailing lists for the agendas.

Dr. Bill Hoover replied affirmatively. He stated that he has utilized the website for obtaining agenda and minutes.

### **III. AMENDING UZO REGARDING WINERIES:** Sallie Dell Fahey

Sallie Fahey introduced Rick and Kathy Black and stated that they were interested in starting a winery. She informed the Committee that the staff has been working on a proposal for wineries and that Rick and Kathy Black had some additional suggestions for that proposal. She stated that everyone agreed that the bulk of the discussion should be held on December 16, 2003, in order to have more time to prepare. She mentioned that one of the suggested changes was to add a definition of special events and festivals. She said that another suggestion was that private events should not be limited to 50 persons in business zones. She reiterated that the entire discussion should wait until the December 16, 2003 meeting.

KD Benson moved to continue this topic to the December 16, 2003 regular Ordinance Committee meeting. Mark Hermodson seconded and the motion carried by voice vote.

Sallie Fahey informed the Committee that Kathy Lind and Heather Prough have been working on the Wallace Triangle neighborhood and were present to update them on the progress.

Kathy Lind recapped the history of the meetings and reviewed neighborhood maps and other data collected by staff. She explained that the Lafayette City Council had requested that the APC staff review this area and develop a plan and new zoning map.

Sallie Fahey stated that because it was a small area, the staff did not think there would be much controversy, so they thought they could go straight to the rezoning process.

Kathy Lind reviewed the existing zoning and mentioned that there were only three zones in the area. She mentioned that this zoning has been in place since 1965. She said that since 1965 some duplexes have been turned into multi-family and some single-family homes have been turned into duplexes. She stated that this is the first neighborhood rezone where the APC staff had sent out letters informing the residents of the meetings. She said that the single-family homeowners were in disagreement with the landlords of the area, and this is where the controversy originated. She stated that some of the landlords wanted to attend an Ordinance Committee meeting to discuss the policy that says if a building was originally constructed as multi-family, the R3 zone could stay but if a single family home had been converted, it would not get R3 zoning.

Jack Rhoda pointed out that the policy was conceived from the point of view that if a building were originally constructed as a single-family home then it is a R1 or R2 dwelling.

Kathy Lind stated that she and Heather Prough have held several meetings and have tried to stay neutral and convince the residents to compromise.

Sallie Fahey mentioned that the staff has also tried to step back and have other outside speakers address the group. She said that since one concern was enforcement, staff invited Opal Kuhl to attend, so that the residents could ask questions. She stated that Kathy Lind also tried to have the residents work on a vision statement for the neighborhood, in order to try to resolve the differences and nothing has worked. She mentioned that Kathy Lind has received very nasty phone calls from both the landlords and the single-family homeowners.

Kathy Lind stated that the single-family homeowners think that the staff is favoring the landlords' opinions and the landlords think the staff is trying to take away their rights.

Sallie Fahey stated that at this point the staff sees very little hope of the two sides coming to a compromise. She informed the Committee that the most recent threats were that the residents were going to withdraw from this process and file individual rezones. She asked the Committee for guidance on how to proceed. She pointed out that two requests could not be considered simultaneously, so it comes down to a first come-first served basis.

Jack Rhoda asked if the City of Lafayette could file a rezone.

Sallie Fahey stated that was a possibility. She mentioned that the City would have to decide which side they wanted to support.

Jack Rhoda pointed out that the City Council was going through a period of transition, so he could not comment on how they might vote.

Sallie Fahey stated that if the Plan Commission was willing to consider something other than the strict application of the policy, could there be a compromise so that the single-family homes receive R1 and the multi-family homes receive R2. She said that there are different combinations that would work for a compromise, but neither side is willing to consider them.

Jan Mills asked if the properties that were listed as multi-family, were conversion properties.

Sallie Fahey replied affirmatively.

Jan Mills pointed out that there was no R3 in the area because they were all conversions.

Sallie Fahey stated that in all the other neighborhood rezones, they have taken back conversions to a single-family zone.

Kathy Lind stated that she had suggested an R2 zone based on the 1965 land use plan.

James Hawley stated that in 1965 there were a number of areas rezoned to multi-family and there was no representation from the neighborhood.

Sallie Fahey mentioned that at one time interest rates were so high that the only way to preserve the homes was to convert them to multi-family. She said that there were a few options left for staff: they could continue with the same process; they could give up this process and leave it to the residents to file individual rezones; the staff could make a proposal or it could be taken to the City Council. She asked if someone should approach Opal Kuhl to help prepare a proposal.

Kathy Lind stated that one person has already called and asked if the decision has already been made by the APC staff and asked if they had any say in the matter.

Jan Mills asked if the Committee wanted to take a stand and say that they were rezoning this area without anybody's participation or did they want to step back and let the residents handle it.

Sallie Fahey mentioned that there was another circumstance where the APC had to take that stand.

Jack Rhoda suggested that the residents work it out amongst themselves and then come to the staff with a proposal.

Sallie Fahey stated that in order to be true to the guidelines, the only thing that the staff could propose is single-family residential zoning. She said that all they could say was that this is the proposal that meets the Plan Commission guidelines.

Jack Rhoda stated that they should stick with the guidelines.

Sallie Fahey stated that if the guidelines were going to be upheld, then the staff should meet with the landlords and explain that to them so they know.

Jan Mills asked for a consensus that the staff step back from the proceeding and allow the residents to work it out amongst themselves.

There were no objections.

*Tape ended.*

#### **IV. FIVE ADDITIONAL MISCELLANEOUS AMENDMENTS: Kathy Lind**

##### **1. THE LOT WIDTH MAXIMUM REQUIREMENT IN THE NBU ZONE (p. 69, Section 2-13-5 and p. 136, Section 4-2-1, footnote 7)**

In April 1999, Amendment 10 was passed which included a provision that created a maximum lot width requirement in the NBU zone. It is the only zone that has a maximum lot width.

This was not approved. The Ordinance Committee requested further study.

##### **2. INCORRECT REFERENCE NUMBER (p. 173, Section 4-8-11(a) 5)**

When Section 4-8-12 Rural Outdoor Signs was inserted into Chapter 4, the next Section regarding sign permits was re-numbered. A reference to the sign permit section still states 4-8-12-a instead of the correct, re-numbered Section 4-8-13-a.

The Committee voted by voice vote to send INCORRECT REFERENCE NUMBER (p. 173, Section 4-8-11(a) 5) to the full Plan Commission.

##### **3. ADDING THE HEALTH DEPARTMENT TO THE LIST OF PRE-SUBMISSION MEETING ATTENDEES FOR PDs (p. 96, Section 2-27-4b)**

The ordinance currently states that, "the petitioner shall arrange a meeting with staff and the appropriate Administrative Officer, and if outside the corporate limits of Lafayette and West Lafayette, the County Surveyor and Highway Executive Director, or their designees." Staff would like to add the following sentence: If outside the service area of sanitary sewer, the County Health Department shall also be notified.

The Committee voted by voice vote to send ADDING THE HEALTH DEPARTMENT TO THE LIST OF PRE-SUBMISSION MEETING ATTENDEES FOR PDs (p. 96, Section 2-27-4b) to the full Plan Commission.

##### **4. LIMITING THE FLOOD PLAIN COMPACTION TEST TO PROFESSIONAL ENGINEERS ONLY (p. 94, Section 2-26-18 e)**

Currently the ordinance allows either a registered land surveyor or a professional engineer to certify compaction of fill in the Flood Plain by the Standard Proctor Test method. This test is the purview of engineers and should be limited to professional engineers.

The Committee voted by voice vote to send LIMITING THE FLOOD PLAIN COMPACTION TEST TO PROFESSIONAL ENGINEERS ONLY (p. 94, Section 2-26-18 e) to the full Plan Commission.

##### **5. CLARIFYING THE 25' SPECIAL SETBACK FROM FLOOD PLAIN ZONE EXCEPTION (p. 141, Section 4-4-3 b)**

Currently the ordinance states: "This [25'] setback applies to all new construction begun after the adoption of this section, other than attached additions to existing structures either built in compliance with an improvement location permit, or built before 1965." Staff would like to clarify that additions to existing buildings completely or partially within the FP zone are not permitted. The proposed change would read: "...other than attached additions to existing structures located

entirely outside of the Flood Plain zone, either built in compliance with an improvement location permit, or built before 1965.”

The Committee voted by voice vote to send CLARIFYING THE 25' SPECIAL SETBACK FROM FLOOD PLAIN ZONE EXCEPTION (p. 141, Section 4-4-3 b) to the full Plan Commission.

## **V. CITIZEN COMMENTS**

## **VI. ADJOURNMENT**

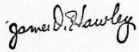
Mark Hermodson moved to adjourn the meeting. Gary Schroeder seconded and the motion carried by voice vote.

Respectfully submitted,



Michelle D'Andrea  
Recording Secretary

Reviewed by,



James D. Hawley, AICP  
Executive Director